

**THE LOCAL RULES OF
THE COURTS OF
WEBB COUNTY TEXAS**

*THE 49TH JUDICIAL DISTRICT COURT
THE 111TH JUDICIAL DISTRICT COURT
THE 341ST JUDICIAL DISTRICT COURT*

THE WEBB COUNTY COURT AT LAW

INDEX

RULE 1

GENERAL

Rule 1.10	Time Standards for Case Disposition:
Rule 1.11	Court Sessions; Annual Calendar Weeks Not in Session; Holidays:
Rule 1.12	Hours of Court Proceedings:
Rule 1.13	Emergency and Special Sessions:
Rule 1.14	Jury/Non-Jury Weeks:

RULE 2

LOCAL ADMINISTRATIVE JUDGE

Rule 2.10	Powers and Duties of Local Administrative Judge:
Rule 2.11	Information to Local Administrative Judge:
Rule 2.12	Exercise of Powers in Absence:
Rule 2.13	Court Divisions:

RULE 3

CIVIL CASES

Rule 3.10	Filing and Assignment of Cases:
Rule 3.11	Filing on Holidays:

Rule 3.12	Transfer of Cases; Docket Exchange; Bench Exchange:
Rule 3.13	Request for Trial Settings-Non-Jury:
Rule 3.14	Disposition of Uncontested Matters, Walk-In Procedures:
Rule 3.15	Request for Trial Settings-Jury:
Rule 3.16	Jury Fee and Jury Demand:
Rule 3.17	Docket Calls and Announcements:
Rule 3.18	Assignment of Cases for Trial:
Rule 3.19	Conflicting Settings and Assignments of Counsel:
Rule 3.20	Preferential Settings:
Rule 3.21	Resetting Cases:
Rule 3.22	Dismissal Docket; Involuntary Dismissal:
Rule 3.23	Suspense Docket:
Rule 3.24	Hearing on Pre-Trial Pleas and Motions:
Rule 3.25	Attorney Conference Requirement and Procedure:
Rule 3.26	Non-Compliance with Conference Procedures:
Rule 3.27	Discovery Disputes:
Rule 3.28	Severances:
Rule 3.29	Continuances:
Rule 3.30	Default Judgments:
Rule 3.31	Summary Judgments:
Rule 3.32	Ancillary Proceedings, Temporary Orders, and Emergency Matters:
Rule 3.33	Complex Case Designation:

Rule 3.34 Alternative Dispute Resolution:

Rule 3.35 Pre-Trial and Scheduling Conferences:

Rule 3.36 Certificate of Progress; Proposed Preparation Plan:

Rule 3.37 Trial Stipulations and Admissions:

Rule 3.38 Trial Witnesses and Exhibits:

Rule 3.39 Disposition Conferences:

Rule 3.40 Settlements:

Rule 3.41 Jury Selection:

Rule 3.42 Jury Charge Questions and Instructions:

Rule 3.43 Submission of Orders, Judgments, Instruments:

Rule 3.44 Withdrawal and Copying of Documents:

Rule 3.45 Other Local Rules: Except when modified by more
specific rules, this Rule 3 is applicable in all
civil cases in all courts.

RULE 4

FAMILY LAW CASES

Rule 4.10 Time Standards for Family Law Cases Disposition:

Rule 4.11 Ancillary Proceedings, Temporary Orders, and
Emergency Matters:

Rule 4.12 Disposition Proposals:

Rule 4.13 Uncontested Matters:

Rule 4.15 Financial Information Statements:

Rule 4.16 Possessory Conservatory Visitation Guidelines:

Rule 4.17 Inventory and Appraisement:
Rule 4.18 Ad Litem Appointments:
Rule 4.19 Mediation Counseling:
Rule 4.20 Referral to Master:

RULE 5

LIQUIDATED CLAIM CASES

Rule 5.10 Liquidated Monetary Claims:
Rule 5.11 Certification of Plaintiff for Suspense Docket:
Rule 5.13 Certification that Payment Agreement Continues in
Effect:

RULE 6

CRIMINAL CASES

Rule 6.10(1) Felony and Misdemeanor Cases:
Rule 6.10(2) Grand Jury
Rule 6.11 Filings/Return of Indictments:
Rule 6.12 Arraignment/Initial Appearance:
Rule 6.13 Appointment of Counsel:
Rule 6.14 Appearance of Defendant and Counsel/Court
Attendance:
Rule 6.15 Withdrawal or Substitution of Counsel:
Rule 6.16 Bond and Bond Forfeiture:
Rule 6.17 Discovery:

Rule 6.18	Docket Calls/Announcements:
Rule 6.19	Continuance/Resetting/Postponements:
Rule 6.20	Plea Bargains:
Rule 6.21	Guilty Plea/Nolo Contender/Open Pleas:
Rule 6.22	Speedy Trial:
Rule 6.23	Motions/Pre-Trial Hearings/Pre-Trial Matters:
Rule 6.24	Settings/Schedules:
Rule 6.25	Order of Trials/Preferential Settings/Conflicting Engagements:
Rule 6.26	Witnesses/Evidence:
Rule 6.27	Non-Jury Trials:
Rule 6.28	Jury Trials:
Rule 6.29	Jury Selection/Voir Dire:
Rule 6.30	Probation Applications/Deferred Adjudication:
Rule 6.31	Pre-Sentence Report/Court's Proposed Sentence:
Rule 6.32	Judgments/Orders:
Rule 6.33	Occupational Driver's License:
Rule 6.34	Probation Revocations/Motions to Adjudicate/Habeas Corpus:
Rule 6.35	Appeals from Lower Courts:

RULE 7

JURY MANAGEMENT

Rule 7.10	Management of Juries:
-----------	-----------------------

RULE 8

JUDICIAL VACATION

- Rule 8.10 Judicial Vacation:
- Rule 8.11 Notification to Local Administrative Judge of
Absence or Planned Vacation of Judge:
- Rule 8.12 Requests for Visiting Judge:

RULE 9

NON-JUDICIAL PERSONNEL

- Rule 9.10 Non-Judicial Personnel:
- Rule 9.11 Qualifications of Non-Judicial Personnel:
- Rule 9.12 Conduct of Non-Judicial Personnel:
- Rule 9.13 Duties of Non-Judicial Personnel:

RULE 10

ATTORNEYS OF RECORD

- Rule 10.10 Appearance of Counsel; Designation of Attorney in
Charge:
- Rule 10.11 Conduct and Decorum of Counsel:
- Rule 10.12 Withdrawal of Counsel:

Rule 10.13 Attorney Vacations:

RULE 11

ADMINISTRATIVE LAW CASES

Rule 11.10 Administrative Law Cases:

RULE 12

MISCELLANEOUS LOCAL RULES

Rule 12.10 Settlement Week:

Rule 12.11 Form for Submitting Court Costs:

Rule 12.12 Form for Requesting Alternate Dispute Resolutions:

RULE 13

ADOPTION, AMENDMENT, NOTICE

Rule 13.10 Procedure for Adoption and Amendment of Local Rules:

Rule 13.11 Adoption for Amendment by Local Administrative Judge:

Rule 13.12 Notice and Publication of Rules:

Rule 13.13 Interim Orders Affecting Local Practice: Interim orders may from time to time be adopted for all but never fewer than all courts in the same geographic territory and may govern local practices in court proceedings when the parties have been given actual

notice of any such orders and subject to the
limitations of Rule 13.14.

Rule 13.14 Local Practices Not Published in these Rules: Local
practices not published in these rules may not be
applied by any court so as to work a disposition on
the merits of any matter unless such disposition on
the merits of the matter is otherwise authorized at
the time by law, by provisions of the Texas Rules of
Civil Procedure or by these local rules.

**THE LOCAL RULES OF THE COURTS OF
WEBB COUNTY**

RULE 1

GENERAL

RULE 1.10 TIME STANDARDS FOR CASE DISPOSITION:

The objective of the rules of the Civil Trial Division of Judicial Courts of Webb County is to obtain a just, fair, equitable and impartial adjudication of the rights of litigants under established principles of substantive law and established rules of procedural law. These rules shall be applied to ensure that all matters are brought to trial or final disposition in conformity with the following standards:

- A. **Civil jury cases:** Civil jury cases will be heard within 18 months from appearance date;
- B. **Civil non-jury:** Civil non-jury cases shall be heard within 12 months from appearance date;
- C. **Complex cases:** Complex cases will be administered and disposed of as per scheduling order of the court and counsel.
(See Rule 3.33)

**RULE 1.11 COURT SESSIONS; ANNUAL CALENDAR WEEKS NOT IN SESSION;
HOLIDAYS:**

No cases will be assigned for trial on the merits during:

- A. The week of the South Texas Judicial Conference (March);
- B. The week of the Annual Judicial Conference (September); and
- C. The last week of December.

The entire weeks of the South Texas Judicial Conference and the Annual Judicial Conference will be set aside as settlement weeks.

Each court shall maintain a 24 month calendar for purposes of setting jury and non-jury cases.

RULE 1.12 HOURS OF COURT PROCEEDINGS:

No local rule under this subdivision.

RULE 1.13 EMERGENCY AND SPECIAL SESSIONS:

Emergency and special meetings may be called by local administrative judge.

RULE 1.14 JURY/NON-JURY WEEKS:

No local rule under this subdivision.

RULE 2

LOCAL ADMINISTRATIVE JUDGE

RULE 2.10 POWERS AND DUTIES OF LOCAL ADMINISTRATIVE JUDGE:

The judges comprising the Webb County Court Administration Board, Article 200 A-1 V.A.T.C.S., shall hold regular meetings of the Court Administrative Board, Adult Probation Board, Juvenile Probation Board, Auditor's Board and Purchasing Board, on the first Wednesday of every month unless it conflicts with judicial conferences, commitments and county holidays.

The chairman of each of these Boards and/or the local administrative judge may call special or emergency meetings as may become necessary with appropriate notice to all board members and the public, when necessary.

RULE 2.11 INFORMATION TO LOCAL ADMINISTRATIVE JUDGE:

The district clerk shall provide a monthly report detailing the number of filings, dispositions, trials, and other judicial activities of the courts of Webb County to the local administrative judge and to the office of court administration. The clerk shall provide any other information requested by any presiding judge.

RULE 2.12 EXERCISE OF POWERS IN ABSENCE:

No local rule under this subdivision.

RULE 2.13 COURT DIVISIONS:

No local rule under this subdivision.

RULE 3

CIVIL CASES

RULE 3.10 FILING AND ASSIGNMENT OF CASES:

A case in the civil trial division shall be randomly assigned using the central filing system in accordance with the current order adopted by the council of judges. Once assigned to a court, a case shall remain on the docket of that court unless transferred as provided in Rule 3.12.

Any claim for relief based upon a prior judgment shall be assigned to the court of original judgment. Every suit or proceeding seeking to enforce, attack, avoid or set aside a judgment, order or decree of a court (including suits in the nature of a bill of review, writ of habeas corpus, or otherwise) shall be assigned to the court in which such judgment, order or decree was rendered. All proceedings which have previously been dismissed and are refiled shall be assigned to the court to which the previous suit or proceeding was assigned.

If a claim is dismissed and is later refiled and it is determined that there is a substantial identity of parties and causes of action in both cases, then the refiled case shall be assigned by the local administrative judge or transferred by the presiding judge to the court where the prior case was pending, with written notice to the district

clerk.

A motion to consolidate cases shall be heard in the court where the lowest numbered case is pending. If the motion is granted, the consolidated case(s) will be given the number of the lowest numbered case and assigned to that court, with written notice to the district clerk.

RULE 3.11 FILING ON HOLIDAYS:

No local rule under this subdivision.

RULE 3.12 TRANSFER TO CASES; DOCKET EXCHANGE; BENCH EXCHANGE:

A. Transfer: By agreement of all counsel and/or parties pro se and of the court transferring the case, and of transferee court, any case may be transferred from one court to another court of concurrent jurisdiction, with the transfer and acceptance to be in writing, with notice to the local administrative judge and the district clerk.

The presiding judge of the court may, upon notice and hearing, transfer the cases from his/her court to any other court having subject matter jurisdiction including but not limited to the following types of cases:

- a. Any case arising out of the same transaction or occurrence as did an earlier case.
- b. Any suit for a declaration concerning the alleged duty of an insurer to provide ~~defense~~ for a party to the earlier suit.

The rules governing transfer shall not be used to circumvent the central filing system.

B. Post-Trial Matters: The judge who presided over the trial of any civil case, shall preside over any post-trial matters. However, in those cases where the judge who presided over the trial is unavailable to preside over a post-trial matter, the local

administrative judge shall assign another judge, unless all parties agree otherwise.

C. Docket and Bench Exchange: The local administrative judge of the civil trial division may transfer cases between courts in the manner provided by Section A of this Rule and may assign cases from one court to another court for hearing if he/she finds that a court has an inequitable burden due to illness, trial schedule, or other sufficient reasons. Any judge whose court has subject matter jurisdiction may sit in as judge of another court in cases assigned for trial on the merits. If a case is on the docket of a court by any manner other than as prescribed by these rules, the local administrative judge of the civil trial division shall, in writing, transfer the case to the proper court with notice to the district clerk.

RULE 3.13 REQUEST FOR TRIAL SETTINGS-NON-JURY:

All requests for non-jury trial settings shall be by motion with accompanying fiat and heard pursuant to Rule 3.19.

RULE 3.14 DISPOSITION OF UNCONTESTED MATTERS, WALK-IN PROCEDURES:

Walk-in cases will be allowed at all times that do not conflict with on-going jury or non-jury trials or protracted discovery conferences or hearings; attorneys can coordinate the settings with the court coordinators by giving the court 24-hour notice to allow the court coordinator or clerk time to prepare a "walk-in" list and to check to make certain the case is ready for the hearing or trial. Each court will post special days and times available for walk-in hearings.

RULE 3.15 REQUEST FOR TRIAL SETTINGS-JURY:

No local rule under this subdivision.

RULE 3.16 JURY FEE AND JURY DEMAND:

No local rule under this subdivision.

RULE 3.17 DOCKET CALLS AND ANNOUNCEMENTS:

The court may schedule docket calls to receive announcements on the status of pending cases.

RULE 3.18 ASSIGNMENT OF CASES FOR TRIAL:

No local rule under this subdivision.

RULE 3.19 CONFLICTING SETTINGS AND ASSIGNMENTS OF COUNSEL:

A. Inter-County: The Rules of Procedure of the Fourth Administrative Judicial Region control conflicts in settings of all kinds between Webb County court(s) and courts not in Webb County.

B. Intra-County: Among the trial courts sitting in Webb County.

1) Attorney already in trial in another court:

- a. When informed that an attorney is presently in trial, the court will determine where and when assigned. This information will be verified upon request of opposing counsel. The case will be placed on "hold" or reset, depending on when the attorney will be released.
- b. If the attorney is not actually in trial as represented by the attorney or his or her agent, the case will be tried without further notice.

2) Attorney assigned to two courts for the same date:

All attorneys having conflicts with other court settings and who will be late for docket call or other court settings or hearings/conferences, shall notify the court coordinator and opposing counsel of such conflict as soon as it becomes apparent, and shall state:

- (1) The nature of the conflict;
- (2) Where counsel may be reached;
- (3) What announcement counsel wishes to make;
- (4) The time that the Presiding Judge should expect

counsel to personally appear; and

3) Attorney assigned to two courts for trial for the same date:

- a. It is the duty of an attorney to call the affected Judges' attention to all dual settings as soon as they are known.
- b. Insofar as practicable, Judges should attempt to agree on which case has priority, otherwise, the following priorities shall be observed by the judges of the respective courts.

(1) Trial/Non-Trial. Trial setting take precedence over conflicting non-trial settings; and

(2) Trial/Trial. A trial setting that is assigned takes precedence over a conflicting trial setting not yet assigned.

(3) Cases assigned to trial on the merits in a United States Court.

(4) Criminal cases.

(5) Cases given preference by statute.

(6) Preferentially set cases.

(7) Case set at earliest date.

(8) Case with earliest filing date.

(9) Courts in a multi-court county should yield to courts in rural counties in all other instances of conflicting settings.

4. Waiver. The Court with precedence may yield.

5. Lead Counsel Attorney in Charge. This rule operates only where lead Counsel/Attorney in Charge, as defined by Texas Rules of Criminal Procedures 8, is affected, unless the Court expands coverage to other counsel.

RULE 3.20 PREFERENTIAL SETTINGS:

Motions for preferential setting shall be written, verified and specific. Upon request of counsel, such motions shall be granted in the following cases:

- A. Cases entitled to preferential setting by law; or
- B. A cases that the Court has determined because of its nature, circumstances and litigation history, requires a priority trial.

RULE 3.21 RESETTING CASES:

The parties may not agree to reset a case unless prior notice is given to the court or a timely motion for continuance is filed and the court approves either the reset or continuance. A motion for continuance will not be deemed timely if it is filed after the Thursday before the Monday of jury selection without good cause. A motion for continuance on a non-jury case must be filed no less than four days prior to non-jury trial date.

RULE 3.22 DISMISSAL DOCKET; INVOLUNTARY DISMISSAL:

Each court shall periodically schedule a dismissal docket at which time counsel shall appear and show good cause why the case should not be dismissed for want of prosecution.

RULE 3.23 SUSPENSE DOCKET:

If a case has been stayed because it relates to a bankruptcy proceeding, suggestion of death or to abatement by previous order of the court, such case is to be transferred to a suspense docket for suspension of further action and the file delivered to the clerk's office subject to later reassignment in accordance with these rules when it becomes appropriate.

RULE 3.24 HEARING ON PRE-TRIAL PLEAS AND MOTIONS:

A. Opposed Motions: Every opposed motion presented for filing shall state with particularity the relief or order sought and shall contain an averment that movant has conferred or has attempted to confer in person or by telephone with opposing counsel, including the

dates on which such conference or attempts occurred, and that counsel are unable to reach an agreement upon the disposition of the matters raised by the motion. A separate proposed order granting the relief sought shall accompany the motion. A memorandum of legal authorities, when deemed appropriate, may be filed with the motion or no later than three days before the hearing.

B. Unopposed Motions: If any motion is unopposed by all counsel of record, counsel may simply so state conspicuously on the fact of the motion. In such event, the motion will be submitted by the clerk to the judge for approval and will be granted routinely without a hearing unless the judge is of the view that the granting of such motion is not in the interest of justice. A separate proposed order granting the relief sought shall accompany the motion.

C. Motion Day: All courts will set aside at least one (1) day per week so that all motions may be heard and disposed of. The day, or time of day, may be changed from week to week, as the courts' schedules may dictate. The court coordinator of each court will designate the motion day at least ten (10) days in advance. In the event that this date conflicts with an ongoing trial, all matters set for motion day will be heard by the court at any time during that day as ordered by the court, or reset to a later date, or it may be heard by any other court of concurrent jurisdiction pursuant to order of the trial judge.

E. (D) Waiver of Hearing: Hearings on any motion may be waived if all counsel of record agree and notice of same is given to the court. Argument in summary judgment matters may be waived by agreement of counsel and court by written notice to the court. (See Rule 3.31)

F. (E) EXPEDITED SETTINGS: Any attorney may, in order to expedite the obtaining of a setting, contact the court's coordinator and request a date and time for a motion that he/she is to file. The attorney will insert the date and time given in the accompanying fiat to the motion, insert a "/s/" in the signature slot, mail or fax it to all counsel of record in that fashion, filing the original motion with the accompanying fiat's signature slot left blank for the judge's or court coordinator's signature.

The certificate required in Rule 3.24(A) above and the certificate required by Rule 72 of the Texas Rules of Civil Procedure shall signify to the court that the attorney has notified all counsel of record of the setting before filing the original motion and fiat.

RULE 3.25 ATTORNEY CONFERENCE REQUIREMENT AND PROCEDURE:

A. All scheduling conferences and pre-trial conferences shall be attended by the attorney-in-charge or co-counsel who is/are familiar with the case and who is/are fully authorized:

- (1) to state the clients position on the law and the facts;
- (2) to make agreements as to scheduling;
- (3) to enter into stipulations;
- (4) to stipulate to the admissibility, and/or authenticity of exhibits; and
- (5) to negotiate settlement.

Attorney/s for all parties shall be physically present at the scheduling conference unless arrangements have been made for such conference to be held by telephone.

B. Each attorney shall bring their trial calendar in order to arrange settings which do not conflict with previous engagements of counsel. Under no circumstances may an attorney be represented at any scheduling conference or pre-trial conference, whether held by telephone or otherwise by any secretary or other non-lawyer personnel.

RULE 3.26 NON-COMPLIANCE WITH CONFERENCE PROCEDURES:

When counsel for either party, after notice, and without good cause, fails to appear or is unprepared for a scheduling conference or pre-trial conference, the court may:

- A. Make all scheduling decisions and rule on all motions, exceptions or other matters;
- B. Declare any motions or exceptions that have been prepared as having been waived;
- C. Alter the trial setting or other scheduling matters, decline to set the case for trial, cancel the setting previously made, or take such other action that is deemed just and proper; and
- D. Pass and reset the conference in which case the party represented may be entitled to recover reasonable attorney's fees and expenses.

RULE 3.27 DISCOVERY DISPUTES:

Any motion for discovery under Rule 167, Texas Rules of Civil Procedure, or to quash interrogatories or request for admissions served under Rule 168 and Rule 169, Texas Rules of Civil Procedure, may be treated as premature unless counsel for movant has made a good faith effort to obtain such discovery or relief from opposing counsel by agreement and has complied with the applicable Rules of Civil Procedure and has been unsuccessful, or shows good cause for not making such an effort. All parties shall complete discovery not less than seven (7) days prior to the date said case is set for trial unless otherwise ordered by the Court or agreed upon by parties. Counsel will be expected to confer with opposing counsel concerning all such matters and present to the court only those matters that cannot be agreed upon after a good faith effort to agree on both sides.

RULE 3.28 SEVERANCES:

All motions to sever will be controlled by the provisions of Rules 41 and 174, Texas Rules of Civil Procedure, and such rules will be strictly construed.

RULE 3.29 CONTINUANCES:

No trial setting shall be passed except by:

- A. Settlement, in writing or on the record;
- B. Written agreement/motion for continuance of all parties, with consent of the court;
- C. A motion for continuance timely filed under the Texas Rules of Civil Procedure with consent of the court;
- D. Such motions shall be heard on the Court's motion day or sooner, if necessary.

RULE 3.30 DEFAULT JUDGMENTS:

All uncontested proceedings shall be heard expeditiously on a walk-in basis pursuant to Rule 3.14.

RULE 3.31 SUMMARY JUDGMENTS:

A. All motions for summary judgment will be controlled by the provisions of Rule 166a of the Texas Rules of Civil Procedure.

B. Counsel of record may agree to submit the motion for summary without oral argument by filing jointly, a written waiver five (5) days prior to the setting.

RULE 3.32 ANCILLARY PROCEEDINGS, TEMPORARY ORDERS, AND EMERGENCY MATTERS:

A. There shall be established an emergency docket for the handling of matters requiring immediate hearing or conferences in cases filed in the district courts of Webb County and the Webb County Court At Law. The local administrative judge shall assign to each of the district judges of Webb County, on an equal time basis, the responsibility for presiding over the emergency docket;

B. The emergency docket shall include only those cases involving hearings on applications for temporary Restraining orders, issuance of writs of sequestration, garnishment and attachment, whether such matters shall be heard ex-parte or otherwise, entries of default judgment and/or other writs and processes;

C. The court coordinator of the presiding judge of the court that has been assigned the emergency docket by the local administrative judge shall be responsible for maintaining the emergency docket for the period of assignment. Any attorney who requests any matter be placed on the emergency docket shall be responsible for communicating with the court coordinator of the presiding judge in order that the matter may be placed on the emergency docket by the court coordinator;

D. Whenever a matter is placed on the emergency docket, the court coordinator for the presiding judge is responsible for immediately coordinating with the district judge who has been assigned to the emergency docket for that period of time in order to establish the date, time, and place for hearing and to then notify the attorney(s) as to the date, time, and place of hearing;

E. The district judge assigned to the emergency docket during that period of time that any matter is placed on the emergency docket shall have the discretion to determine that any such matter should not be entitled to emergency disposition and remove the matter from

emergency docket upon immediate notice to the attorney who requested that it be placed on the emergency docket;

F. In the event a matter has been removed from the emergency docket by the district judge assigned to the emergency docket for that period of time, any of the district judges of Webb County may preside over that matter upon request after proper notice to the court coordinator of that presiding judge;

G. Before any attorney shall request a matter be placed on the emergency docket, said attorney must first request the matter be heard by the judge in whose court the case is pending; and the attorney on all matters and documents being assigned to the emergency docket shall certify that the matter being placed on the emergency docket was not heard or disposed of by the judge in whose court the case or matter is pending.

RULE 3.33 COMPLEX CASE DESIGNATION:

In any cases where due to the issues, number of parties or other matters, counsel believes that his case cannot be prosecuted within the time set out by the guidelines above, said counsel shall file a motion to designate this case as a complex case and shall request a docket control conference to establish the proper court guidelines for this case.

RULE 3.34 ALTERNATIVE DISPUTE RESOLUTION:

Cases may be referred to alternative dispute resolution by the judges of the courts of Webb County on their own motion or on motion of one of the parties, subject to the discretion of the assigned judge presiding at settlement week.

RULE 3.35 PRE-TRIAL AND SCHEDULING CONFERENCES:

In any case where a request for trial setting is filed, or on motion of the court, a case may be set for pre-trial or status (scheduling conference, or by approval of court, (in lieu of such conference, the court may authorize filing of a joint status report may be filed) at which time the parties will be assigned the following:

1. Trial date;

2. Case rank or number;
3. All trial deadlines;
4. Deadline for filing of pre-trial order; and
5. Date for hearing on all pending motions.

Routine pre-trial conferences may be conducted by the court coordinator and counsel's presence may be by telephonic conference, if requested, unless otherwise ordered by court. Counsel for the party requesting the telephonic conference will initiate the conference.

Forms for status letters, trial deadlines, pre-trial orders and jury questionnaires may be obtained from the court coordinator. Assignment of trial dates will be governed by the court's calendar prepared pursuant to Rule 1.11.

RULE 3.36 CERTIFICATE OF PROGRESS; PROPOSED PREPARATION PLAN:

No local rule under this subdivision.

RULE 3.37 TRIAL STIPULATIONS AND ADMISSIONS:

No local rule under this subdivision.

RULE 3.38 TRIAL WITNESSES AND EXHIBITS:

Each attorney shall pre-mark and identify their exhibits prior to trial by the date ordered by the court. Each attorney shall prepare a list of trial exhibits and provide the court and opposing counsel a copy of this list prior to trial.

RULE 3.39 DISPOSITION CONFERENCES:

No local rule under this subdivision.

RULE 3.40 SETTLEMENTS:

Counsel of record shall immediately notify the court coordinator

and/or court of the fact that the parties have reached a settlement, notwithstanding that the agreement is reached over a weekend.

RULE 3.41 JURY SELECTION:

All jury panels will be summoned to the central jury area and qualified there. Voir dire will be conducted in the courts on Mondays and subsequent days.

RULE 3.42 JURY CHARGE QUESTIONS AND INSTRUCTIONS:

Attorneys whose cases are on the jury docket shall report to court at 8:15 a.m. on the date set for trial and jury selection and submit to the court, in proper written form, their proposed initial jury questions/instructions, and legal authorities in support of same, unless ordered to do so earlier. Other jury questions and instructions may be submitted during trial as the evidence may dictate.

RULE 3.43 SUBMISSION OF ORDERS, JUDGMENTS, INSTRUCTIONS:

A. All Cases - The order and judgment shall be forwarded to opposing counsel for signature for approval as to form with seven (7) days. Opposing counsel shall file any objections to the proposed judgment and/or order within three (3) working days of receipt of the proposed judgment. The judgment and/or order and all accompanying forms should be presented to the court no later than fourteen (14) days after final hearing.

B. Contested Divorce Actions - In contested divorce cases the petitioner's attorney, or pro-se petitioner, shall prepare and submit the proposed decree of divorce and the bureau of vital statistics form in with Rule 3.43 and 4.10.

C. Uncontested Divorce Actions - In uncontested divorce cases, the petitioner's counsel or pro-se petitioner shall be responsible for

submitting the proposed divorce decree, bureau of vital statistics form, assignment of wages order, notice to employer, order withholding income for support.

D. All Divorce Cases or Cases Ordering Child Support - In divorce cases the attorney for the party receiving child support shall file the order of assignment of wages, which will conform with the decree of divorce and must be properly completed, especially as it relates to the employer, amount to be paid weekly, biweekly, or monthly. Further, no order of assigning wages is complete, unless accompanied by notice to employer and request for issuance of the order withholding wages. Before the date of final trial, all cases must have on file the Bureau of Vital Statistics form (except for date of hearing which will be filled in on date of hearing) and the order for assignment of wages (leave blanks for monetary amounts).

In all post divorce decree matters, ie., motions to modify, to enforce, etc., the prevailing party through their attorney shall submit the appropriate Orders as granted by the court, to the court, copy to adverse counsel, and/or pro se party, after which the court will process it for entry, as stated above.

RULE 3.44 WITHDRAWAL AND COPYING OF DOCUMENTS:

No local rule under this subdivision.

RULE 3.45 OTHER LOCAL RULES:

A. Miscellaneous Pleadings - Every pleading of a party shall be properly titled. The motion and order must be properly identified, e.g. "Plaintiff's Motion for Summary Judgment" and "Order Setting Plaintiff's Motion for Summary Judgment."

B. Deposit of Monies in Registry of Court - In cases where monies are deposited into the registry of the court, it shall be the responsibility of all counsel and attorneys ad litem to make certain that the order or judgment instructs the district clerk about the disposition of the monies. Any order or judgment filed under this section shall also include the names, social security numbers, addresses and phone numbers of all interested parties. Appropriate forms to effectuate the purpose and intent of this rule may be obtained at the Webb County district clerk's office. Failure to comply will result in the district clerk depositing the funds in non-interest

bearing accounts.

RULE 4

FAMILY LAW CASES

RULE 4.10 TIME STANDARDS FOR FAMILY LAW CASE DISPOSITION:

A. Contested Family Law Cases - All contested family law cases shall be heard within six (6) months from appearance date or within six (6) months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later. All parties and counsel must be ready for trial on the merits after ninety (90) days or on the date designated on the form attached to the petition and citation.

If no activity is reflected on the docket sheet, the case will be subject to a dismissal for want of prosecution.

If a case is complex and/or extraordinary requiring additional preparation, a motion can be filed in accordance with Rule 3.33.

B. 49th and 111th District Courts - Divorce cases are scheduled as all other civil cases.

C. County Court at Law and 341st District Court Cases:

1. The controlling date is the Friday of the week a divorce is filed.
2. Non-jury cases: The cases shall be automatically set for trial. The trial date shall be in writing on the citation to respondent.
3. Jury cases: A jury request must be submitted and the fee paid thirty (30) days before the initial schedule hearing.
4. The parties may ask for a continuance in writing at least ten (10) day before the non-jury trial date and thirty (30) days before the jury trial date. If the court grants a continuance, the case will be automatically set for pre-trial seven days following the original scheduled hearing date. The court will

also set a trial date not to exceed thirty (30) days from the pre-trial hearing.

5. Submission of Judgments, Orders, Decrees, and Bureau of Vital Statistic Forms:

- (a) As a matter of policy, petitioner's attorney shall prepare and submit the Bureau of Vital Statistics form and the divorce decree, unless otherwise agreed to by the parties.
- (b) The support-receiving parties' attorney shall be responsible for filing the order of assignment of wages. This order shall conform so to the decree of divorce and must be properly completed, particularly as it relates to the employer and the amount to be paid weekly, biweekly, and monthly. Further, no order assigning wages is complete unless accompanied by notice to the employer and request for issuance of the order withholding.
- (c) Before the date of hearing, all cases must have on file the Bureau of Vital Statistics form, (except date of hearing which will be filled in on date of hearing) and the order of assignment of wages. (Leave blank spaces for monetary amounts). There will be no exceptions.
- (d) Parties not complying may be subject to sanctions.
- (e) The case shall be set for entry of judgment two weeks following the date of hearing at 9:00 a.m. unless it is submitted beforehand.

RULE 4.11 ANCILLARY PROCEEDINGS, TEMPORARY ORDERS, AND EMERGENCY MATTERS:

The provisions of Rule 3.32 will apply.

RULE 4.12 DISPOSITION PROPOSALS:

No local rule under this subdivision.

RULE 4.13 UNCONTESTED MATTERS:

All uncontested family law cases shall be heard within three (3) months from appearance date or within three (3) months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later. Uncontested cases or those that have been settled are processed and disposed of pursuant to Local Rule 3.14. Any person not filing an answer is subject to default.

RULE 4.14 FINANCIAL INFORMATION STATEMENTS:

If child support is a contested issue, a monthly financial statement of income and expenses shall be filed with the court seven days before a scheduled hearing on temporary child support or the final divorce hearing.

RULE 4.15 CHILD SUPPORT GUIDELINES:

No local rule under this subdivision.

RULE 4.16 POSSESSORY CONSERVATORY VISITATION GUIDELINES:

No local rule under this subdivision.

RULE 4.17 INVENTORY AND APPRAISEMENT:

Petitioner shall have thirty (30) days to file a sworn inventory, list of claims, and debts from the date of filing of the original petition. Respondent shall have thirty (30) days to file sworn inventory, list of claims, and debts from date of filing of the original answer.

RULE 4.18 AD LITEM APPOINTMENTS:

No local rule under this subdivision.

RULE 4.19 MEDIATION COUNSELING:

No local rule under this subdivision.

RULE 4.20 REFERRAL TO MASTER:

No local rule under this subdivision.

RULE 5

LIQUIDATED CLAIM CASES

RULE 5.10 LIQUIDATED MONETARY CLAIMS:

No local rule under this subdivision.

RULE 5.11 CERTIFICATION OF PLAINTIFF FOR SUSPENSE DOCKET:

No local rule under this subdivision.

RULE 5.12 APPLICATION TO DEFER ENTRY OF JUDGMENT:

No local rule under this subdivision.

RULE 5.13 CERTIFICATION THAT PAYMENT AGREEMENT CONTINUES IN EFFECT:

No local rule under this subdivision.

RULE 6

CRIMINAL CASES

RULE 6.10.1 FELONY AND MISDEMEANOR CASES:

No local rule under this subdivision.

RULE 6.10.2 GRAND JURY:

No local rule under this subdivision.

RULE 6.11 FILINGS/RETURN OF INDICTMENTS:

A. When several indictments are returned simultaneously against an individual, the court in which the first indictment is filed shall receive, by filing or transfer, all such indictments against the said individual.

B. When an indictment is returned against an individual who has an indictment pending in one court, that court shall receive, by filing or transfer, the subsequent indictment.

C. When an indictment is returned against an individual who is on felony probation, the Court which granted probation shall receive, by filing or transfer, such indictment.

D. The criminal court in which a case is pending shall receive, by filing or transfer, any related motion such as writ of habeas corpus, bond reductions, etc.

E. The district clerk's or county clerk's offices shall receive directly from the magistrates, copies of the original bonds and shall maintain them until an indictment or complaint is returned. The district attorney's office shall file a copy of the bond in the file when the indictment is returned.

RULE 6.12 ARRAIGNMENT/INITIAL APPEARANCE:

A. Time, Date and Place - After indictment, an arraignment shall be held during the next week after the indictment was returned. The arraignments shall be held on the Thursday of the next week at 9:00 a.m. for cases indicted in the 341st District Court and on the Friday of the next week at 9:00 a.m. for cases indicted in the 49th District Court unless it conflicts with judicial conferences, commitments or county holidays.

B. Presence Required - Presence of all defendants and attorneys is required. If a defendant does not have an attorney, the bondsman shall notify the defendant that his/her presence is required in the courtroom. Failure of the defendant to appear will result in bond

forfeiture. If a defendant is bonded out before arraignment, the bondsman shall be responsible for the defendant's appearance.

C. Written Waiver - In its discretion, the court may accept a written waiver of arraignment signed by the defendant and his attorney, accompanied by an order for the judge's signature. Defense counsel must mail, hand deliver or fax a copy to the district attorney's office. The court coordinator may provide an acceptable format/form to counsel upon request. The attorney filing the waiver shall notify his client of all the required court appearances.

D. Announcement/Settings - At the time of the formal arraignment, each defendant must appear and announce his plea to the indictment. Defense counsel shall carry their calendars to court to advise of a possible conflict. Following his announcement, and depending on his plea, each defendant case will be set as follows:

- a. Guilty Plea: Immediately following arraignments or at a specific subsequent date set by the court.
(See Rule 3.14)
- b. Not Guilty Plea: Deadlines, hearings and trial on the merits at specified dates and times as set by the court either in writing or in open court.

RULE 6.13 APPOINTMENT OF COUNSEL:

A. Sworn Application - Defendants claiming inability to employ counsel must file a sworn application.

B. Appointment:

1. The court may in its discretion appoint attorneys from the private bar when the public defender's office has a conflict of interest or for any other good reason.
2. Attorneys who file a motion to withdraw based on the client's failure to pay attorney's fees may be subject to appointment by the court.

C. Appointment Continues - If an attorney was appointed by a magistrate to represent the defendant throughout the proceedings. The

attorney should continuously monitor the status of the defendant's case. Counsel is directed to follow the directives in Local Rule 6.14

D. Compensation - Counsel will be compensated according to the rate schedule pursuant to Tex. Code Crim. Pro. 26.25, adopted by the judges at their administrative meetings on an annual basis. District clerk's office shall mail a pre-numbered voucher form to the attorneys from the private bar when they are appointed. Attorneys shall submit a voucher for payment at the conclusion of the case for the work done before that particular court.

RULE 6.14 APPEARANCE OF DEFENDANT AND COUNSEL/COURT ATTENDANCE:

1. Immediately upon employment or upon court appointment the defense attorney shall give written notice to the district attorney and the district clerk stating the name of the accused, the date of and the offense(s) charged and cause number, if known. The clerk will note the attorney's name on the docket sheet and indicate whether he is retained or court appointed.

2. Any attorney who executes a bail bond or an appeal bond as a surety will be deemed to be the attorney for the person for whom the bond was made. People released from jail under such a bail bond will not ordinarily be assigned court appointed attorneys. If a court appointed attorney has previously been assigned to the person for whom a bail bond is posted, the court appointed attorney will ordinarily be allowed to withdraw from the case.

RULE 6.15 WITHDRAWAL OR SUBSTITUTION OF COUNSEL:

See Local Rule 10.12

RULE 6.16 BOND AND BOND FORFEITURES:

Matters concerning bond forfeitures shall be governed by Chapter 22 of Texas Code of Criminal Procedure.

The assistant district attorney, the district clerk and the Sheriff's office shall cause service to be had on all the principles on a bond forfeiture.

RULE 6.17 DISCOVERY:

A. Discovery shall be conducted in accordance with Article 39.14 of the Texas Code of Criminal Procedure.

B. Any motion for discovery shall state with particularity the items sought to be produced and shall be accompanied by an order that provides a space that are agreed to and for the granting or denying of each separate item that is contested. (See 6.17(C))

C. Any motion for discovery shall be deemed premature unless counsel have made a good faith effort to obtain discovery from the district attorney's office. Any motion before the court shall not be considered unless it is accompanied by a certification (1) that the district attorney and defense counsel have conferred/not conferred on each item in the motion/s; (2) the attempts made to confer in person or by telephone, including the dates and times those conferences or attempts took place; (3) whether there was/was not open file discovery; (4) that the district attorney and defense counsel have been unable to reach an agreement on the motion and require a hearing on the motion. (See Local Rule 3.24A).

RULE 6.18 DOCKET CALLS/ANNOUNCEMENTS:

Docket Calls, Arraignments, Announcements and Pre-trials: The times for docket calls, arraignments, and pre-trial hearing on all cases shall be governed by the judge of the court in which the case is docketed.

The final order of trial shall be determined in accordance with Local Rule 6.22 and shall be announced by the court/court coordinator no later than the Thursday before jury selection at 3:00 p.m. In the event a case is not going to proceed to trial, the attorney(s) causing the cause not to go to trial, for whatever reason, shall notify the court coordinator no later than 3:00 p.m. on Thursday before the case

is set for jury trial said attorney not obtain a continuance at the time and the case does not proceed to trial when called by the court, the court may assess the actual costs of the entire jury panel against the party(ies) represented by said attorney and/or any other party(ies) in such proportions as may be warranted, absent good cause. The court shall not assess any such costs if the panel is sworn for the trial of another case.

RULE 6.19 CONTINUANCE/RESETTING/POSTPONEMENTS:

A. No trial setting shall be passed except by:

- a) Dismissal or plea bargain, in writing and/or on the record. When a case is dismissed or a plea bargain is reached the attorneys shall immediately notify the court coordinator to remove it from jury docket, even if the agreement is reached over a weekend; or
- b) Written agreement/motion for continuance of all parties, with consent of the court, for good cause. *See Chapter 29 of T.R.C.R. P.;* and
- c) Filing of a written waiver of speedy trial by defendant and defense counsel.

B. An agreement to pass or continue a jury trial reached after 3:00 p.m. on the Thursday before trial may not be honored by the court and will be subject to sanctions as set out in Rule 6.18.

C. Motions for continuance will be heard at pre-trial or at 3:00 p.m. on the Thursday afternoon before jury selection or at such other time as set by the court. Only matters arising subsequent to such date shall be considered as good grounds for filing a motion for continuance after that date.

D. Attorneys shall report to court with their clients at 8:30 a.m. on the date set for jury selection and submit to the court, in proper written form, any final matters to be brought before the court.

RULE 6.20 PLEA BARGAINS:

The district attorney and defense counsel shall advise the judge, at the end of pre-trial (plea conference) of the results of any plea

bargain negotiations in a pending criminal case. This shall be reduced to writing in a form approved by the court and filed with clerk of the court.

RULE 6.21 GUILTY PLEA/NOLO CONTENDER/OPEN PLEAS:

Forms, procedures and preparation of guilty plea forms may be obtained from the court coordinator of each court.

RULE 6.22 SPEEDY TRIAL:

A. Justice demands the speedy disposition of all criminal cases.

- 1) Felony: All felony cases should be set for trial within twelve (12) months of arrest or service and return of indictment, whichever is earlier.
- 2) Misdemeanors: Misdemeanor cases shall be set for trial within six (6) months of arrest or filing of complaint, whichever is earlier. See the local practices adopted by the Webb County Court at Law.
- 3) Order of Trial: The trial preference for docketed cases shall be as follows:
 - a. The defendant is incarcerated in the Webb County Jail;
 - b. A child is the victim;
 - c. A crime of violence is alleged;
 - d. All other cases will be tried in order of their age, the oldest being tried first.
- 4) Revocations: Probation revocation cases shall be tried or pled within ninety (90) days from filing after service.

B. It is the policy of the District Courts of Webb County to dispose of cases as quickly as possible consistent with justice.

1. The courts of record in Webb County will work with the justice of the peace courts to encourage a monthly call of the docket for all defendants in jail awaiting trial who have not been charged by

indictment or by information.

2. The courts of record in Webb County will work with the Personal Bond Program Coordinator and the Webb County Public Defender's Office to encourage them to interview defendants in jail within 2 days of arrest.

RULE 6.23 MOTIONS/PRE-TRIAL HEARINGS/PRE-TRIAL MATTERS:

A. Settings: The court may set deadlines for filing motions, plea conferences, pre-trial conferences, jury docket calls and jury trial settings at arraignment. Additional pre-trial hearings may be set by the court as needed.

B. Certificates:

1. Service of Copy on Opposing Counsel: Whenever any attorney files any pleading or motion, he shall at the same time either deliver, mail or fax a copy to opposing counsel. The motions must be accompanied with a certificate stating that a copy/ies have been sent to opposing counsel. The certificate must state the name, address, of opposing counsel and how it was delivered. Counsel shall send copies of all communications sent to the court to opposing counsel.
2. Rule 3.24A Certificate: Motions must be accompanied with a certificate as set out in Local Rule 3.24A.
3. A motion will be considered unless counsel complies with Rule 6.23B 1 and 2, and when applicable, Rule 6.17C.

C. Communications: Defense counsel and assistant district attorney/s may arrange for informal conferences by telephone or in person with the court by contacting the court coordinator to obtain an appointment or a setting.

RULE 6.24 SETTINGS/SCHEDULES:

A. Notice of the order of trial shall be available from the court coordinator the week before the trial. (See Rule 6.18)

B. See Rule 3.20 for preferential settings.

C. See Rule 3.19 for conflicting settings.

RULE 6.26 WITNESSES/EVIDENCE:

A. Witnesses: Examination of witnesses should normally be made from counsel table. If the witness is to be examined about certain physical evidence, counsel may approach the witness after asking and receiving permission from the court. Alternatively, the witness may be examined from the lectern if counsel so desires.

B. Evidence: If evidence tables are provided in the courtroom then all exhibits admitted into evidence should be deposited on the table and remain there except when needed for purposes of examination of a witness.

RULE 6.27 NON-JURY TRIALS:

A defendant may withdraw a request for a jury trial by signing a waiver of jury form. The case may be set on motion of attorneys or on the court's motion.

RULE 6.28 JURY TRIALS:

Jury panels, including special venires, for the trial of criminal cases shall be selected and summoned (with return on summons) in the same manner as the selection of panels for the trials of civil cases except as otherwise provided in the Code of Criminal Procedure.

RULE 6.29 JURY SELECTION/VOIR DIRE:

No local rule under this subsection.

RULE 6.30 PROBATION APPLICATIONS/DEFERRED ADJUDICATION:

No local rule under this subsection.

RULE 6.31 PRE-SENTENCE REPORT/COURTS PROPOSED SENTENCE:

No local rule under this subsection.

RULE 6.32 JUDGMENTS/ORDERS:

The district court's staff shall prepare the judgment of conviction or revocation of probation at the time the judgment/order is rendered, and present same, without delay, to the trial judge for approval and signature.

Where probation is awarded to a defendant, the adult probation officer shall prepare the order of probation containing the conditions of probation, and shall cause the clerk of the court to deliver a certified copy of said order to the defendant.

The State may cause the dismissal of a case by filing a motion to dismiss containing the order of dismissal on the same document. If the defendant is in jail, documents required to effect the immediate release shall be prepared and delivered to effect the immediate release of the defendant from custody, if the defendant has not other charges pending against him.

If a defendant is acquitted the district attorney shall prepare the appropriate judgment. If the defendant is in jail, the defendant shall be released from custody immediately after his administrative discharge from the jail, if no other charges or holds are pending against him.

Upon disposition of the cause, the clerk of the court shall deliver a copy of the final judgment or order to all counsel of record.

RULE 6.33 OCCUPATIONAL DRIVER'S LICENSE:

No local rule under this subsection.

RULE 6.34 PROBATION REVOCATIONS/MOTIONS TO ADJUDICATE/HABEAS CORPUS:

1. Motions to revoke probation shall be heard by the judge who granted probation and motions for shock probation shall be heard by the

judge who heard the trial, unless such judge will be unavailable for such hearing or such matter is transferred to another court for hearing.

2. Except for defendants with pending indictments, all motions to revoke probation shall be heard by the same court in which probation was granted. The court handling a case pursuant to a new indictment shall also handle any pending motions to revoke probation filed against the defendant.

3. Probationers against who motions to revoke probation have been filed shall be admitted to bail only when technical, administrative and non-drug violations are alleged; in all other cases, bail may be denied at the discretion of the court.

RULE 6.34

No local rule under this subsection.

RULE 6.35 APPEALS FROM LOWER COURTS:

No local rule under this subdivision.

RULE 7

JURY MANAGEMENT

RULE 7.10 JURY MANAGEMENT:

The Webb County courts have adopted a central jury selection process. Jury panels are assigned to different courts. A jury week schedule is filed with the district clerk by the courts.

RULE 8

JUDICIAL VACATION

RULE 8.10 JUDICIAL VACATION:

All judges of courts in Webb County, Texas shall advise the local administrative judge of his/her planned annual leave, or disability, or intention to attend judicially mandated educational conferences. A visiting judge may be assigned to administer that court's docket.

RULE 8.11 NOTIFICATION TO LOCAL ADMINISTRATIVE JUDGE OF ABSENCE OR PLANNED VACATION OF JUDGE:

No local rule under this subsection.

RULE 8.12 REQUESTS FOR VISITING JUDGE:

Upon request, the local administrative judge will make arrangements with the administrative judge of the Fourth Administrative Judicial Region to assign a visiting judge to Webb County to sit for any or all the courts that will be unavailable.

RULE 9

NON-JUDICIAL PERSONAL

RULE 9.10 NON-JUDICIAL PERSONNEL:

No local rule under this subsection.

RULE 9.11 QUALIFICATIONS OF NON-JUDICIAL PERSONNEL:

No local rule under this subsection.

RULE 9.12 CONDUCT OF NON-JUDICIAL PERSONNEL:

No local rule under this subsection.

RULE 9.13 DUTIES OF NON-JUDICIAL PERSONNEL:

No local rule under this subsection.

RULE 10

ATTORNEYS OF RECORD

RULE 10.10 APPEARANCE OF COUNSEL; DESIGNATION OF ATTORNEY OF CHARGE:

An attorney may not appear for a party unless he has filed or made his appearance or record.

RULE 10.11 CONDUCT AND DECORUM OF COUNSEL:

A. Attire: All counsel coming before the courts of Webb County, Texas shall wear attire that is befitting their positions as officers of the court.

B. Professionalism: An attorney's behavior and actions should conform to the Texas Lawyer's Creed - A Mandate for Professionalism as promulgated by the Supreme Court of Texas and the Court of Criminal Appeals as was adopted on the 7th day of November, 1989 and maybe amended from time to time.

RULE 10.12 WITHDRAWAL OR SUBSTITUTION OF COUNSEL:

A. Any attorney who has appeared of record in any case may withdraw only by filing a motion approved by the court:

The motion should set forth the following:

- (a) The reason for withdrawal;
- (b) A certification to the effect that the client has been notified of the withdrawal and that the client's file has been returned;
- (c) The current address of the client where notices of setting may be mailed, together with a work and/or home phone number;
- (d) The name of substitute counsel, if known, and a certification that the withdrawing attorney has

explained this procedure to the client, and has communicated to the client the fact that withdrawal of counsel cannot be used to delay a trial setting in the case.

B. The motion to withdraw must be signed by the attorney requesting withdrawal; furthermore, if substitute counsel has been engaged, his signature and mailing address shall be affixed to the motion constituting an appearance for all purposes.

C. Newly retained counsel shall not be permitted to substitute for counsel of record unless they certify they are prepared to proceed with the case without a delay of the proceedings.

D. A motion to substitute counsel that will cause delay requires a hearing. If the motion is signed by counsel withdrawing, substitute counsel and/or client, and is accompanied by a statement certifying that no delay will occur, the court will sign the motion without formal hearing.

E. If substitute counsel's and/or the client's signature fails to appear on the motion, withdrawing counsel shall attached to the motion a copy of the cover letter forwarding a copy of the motion to his client advising him/her of the filing of the motion and the date and time of the hearing. The motion shall be set down for hearing and not withdrawal shall be permitted unless and until the matter has been heard.

RULE 10.13 ATTORNEY VACATIONS:

An attorney may designate not more than four (4) weeks during any given calendar year as vacation, during which time he/she will not be assigned to trial or required to engage in any pre-trial proceedings, unless the case has been specially set. An attorney may file written designation(s) of vacation periods covering less than four weeks in any calendar year, so long as all of the written designation(s) of vacation filed in any one calendar year do not cover periods of time which in the aggregate exceed four weeks. The written designation(s) must be filed with the district clerk (with copies to all courts of record in Webb County) no later than fifteen (15) days prior to the date of the attorney's designated vacation. No case will be set after notice has been sent to the district clerk. Designation(s) of vacation will not relieve the attorney from any setting assigned prior to the filing of

vacation schedule by counsel.

RULE 11

ADMINISTRATIVE LAW CASES

RULE 11.10 ADMINISTRATIVE LAW CASES:

No local rule under this subsection.

RULE 12

MISCELLANEOUS LOCAL RULES

RULE 12.10 SETTLEMENT WEEK:

See Rule 1.11.

RULE 12.11 FORM FOR SUBMITTING COURT COSTS:

No local rule under this subsection.

RULE 12.12 FORM FOR REQUESTING ALTERNATE DISPUTE RESOLUTIONS:

No local rule under this subsection.

RULE 13

ADOPTION, AMENDMENT, NOTICE

RULE 13.10 PROCEDURE OF ADOPTION AND AMENDMENT OF LOCAL RULES:

The judges comprising the Court Administration Board of Webb County, by virtue of the Court Administration Act, Article 200 a-1, V.A.T.C.S., shall, at their regular or special called meetings, provide

for the passage and approval of local court rules. Local rules shall not be effective until approved by the administrative judge of the Fourth Administrative Judicial Region and by the Supreme Court of Texas.

RULE 13.11 ADOPTION OR AMENDMENT BY LOCAL ADMINISTRATIVE JUDGE:

Any proposed change in the rules shall be submitted to the local administrative judge for referral to the rules committee ninety (90) days before the annual meeting of the council of judges which will be held on the first Wednesday in December of every year.

RULE 13.12 NOTICE AND PUBLICATION OR RULES:

After the rules have been approved, a copy of these rules will be filed with the Webb County District Clerk. A copy of these rules may be requested from the district clerk's office.

RULE 13.13 INTERIM ORDERS AFFECTING LOCAL PRACTICE:

Interim orders may from time to time be adopted for all but never fewer than all courts in the same geographic territory and may govern local practices in court proceedings when the parties have been given actual notice of any such orders and subject to the limitations of Rule 13.14.

RULE 13.14 LOCAL PRACTICES NOT PUBLISHED IN THESE RULES:

Local practices not published in these rules may not be applied by any court so as to work a disposition on the merits of any matter unless such disposition on the merits of the matter is otherwise authorized at the time by law, by provisions of the Texas Rules of Civil Procedure or by these local rules.

AMENDMENTS TO RULE 3

THE FOLLOWING RULES WERE AMENDED OR ADOPTED ON
DECEMBER 5, 1990 AT THE ADMINISTRATIVE JUDGES MEETING

RULE 3.24 HEARING ON PRE-TRIAL PLEAS AND MOTIONS:

OLD TEXT:

E. Waiver of Hearings: Hearings on any motion may be waived if all counsel of record agree and notice of same is given to the court. Argument in summary judgment matters may be waived by agreement of counsel and court by written notice to the court. (See Rule 3.31)
Original Text

NEW TEXT:

E. Waiver of Hearings: Hearings on any motion may be waived if all counsel of record agree and notice of same is given to the court. Summary judgment motions and special exceptions will be considered by the court without oral argument unless counsel specifically requests a hearing.

(Second sentence was substituted on 12/5/90)

ADDED TEXT:

G. Motions in Limine: Motions in limine shall be filed before the scheduled pre-trial date. They will be taken up at the final pre-trial hearing.

(Text added on 12/5/90)

RULE 3.31 SUMMARY JUDGMENTS:

OLD TEXT:

B. Counsel of record may agree to submit the motion for summary judgment without oral argument by filing jointly, a written waiver five (5) days prior to the setting.

NEW TEXT:

B. Counsel of record will have deemed to waive oral argument on the motion for summary judgment if there is not a specific request for a hearing before the court.

(Language substituted on 12/5/90)

AMENDMENTS TO RULE 3.34

THE FOLLOWING RULES WERE AMENDED OR ADOPTED ON

MARCH 1, 1995 AT THE ADMINISTRATIVE JUDGES MEETING

RULE 3.34 ALTERNATIVE DISPUTE RESOLUTION:

OLD TEXT:

Cases may be referred to alternative dispute resolution by the Judges of the Courts of Webb County on their own motion or on the motion of one of the parties, subject to the discretion of the assigned judge presiding at settlement week. *Original Text*

NEW TEXT:

A. POLICY: Cases may be referred to alternative dispute resolution by the Judges of the Courts of Webb County on their own motion or on motion of a party, subject to the discretion of the Presiding Judge.

B. PROCEDURE: Counsel and/or parties requesting the appointment of a Mediator shall promptly advise the Presiding Judge of such request. No case shall be referred to mediation and not Mediator shall serve or be appointed prior to the entry of an appropriate Order by the Presiding Judge of the Court where the case is on file unless otherwise agreed and ordered by the Presiding Judge. The Order shall require the parties to appear for alternative dispute resolution or before a date certain. Nothing in this rule shall prevent counsel and/or parties from reaching an agreement to designate a person to serve as Mediator in a case; provided, however, that such designation shall be confirmed by written Order to the Presiding Judge of the Court in which the case is pending, and provided further, that such designation is not otherwise in conflict with this rule. All Mediators designated by agreement shall be subject to Court approval. The Mediator shall be entitled to the fee as may be agreed to by the parties and/or ordered by the Court. Within five working days after completion of the Mediator's work in any case, the Mediator shall report to the Court the appearances by the Parties and their counsel, the outcome of the mediation and the total amount of fees charged or collected for their services rendered in said case and the identity of person(s) paying said fees.

C. PERSONS QUALIFIED: No Visiting or Presiding Judge in such case nor any person appointed as Guardian/Attorney Ad-Litem in such case shall also serve as Mediator in said case.

(Text added on 3/1/95)

ADOPTED RULE 3.34.1 GUARDIANS AND ATTORNEYS AD-LITEM

RULE 3.34.1 GUARDIANS AND ATTORNEYS AD-LITEM

A. POLICY: Attorneys Ad-Litem and/or Guardians Ad-Litem may be appointed by the Judges of the Courts of Webb County on their own motion or on motion of a party, subject to the sole discretion of the Presiding Judge.

B. PROCEDURE: Counsel and/or parties requesting the appointment of an Attorney/Guardian Ad-Litem, as in friendly suits etc., shall promptly advise the Presiding Judge of such request at least 10 days prior to any hearing requiring the presence and participation of an Attorney/Guardian Ad-Litem. Notwithstanding any agreement of counsel and/or parties to the contrary, no person shall serve or be appointed or designated as an Attorney/Guardian Ad-Litem in any case prior to the entry by the Presiding Judge of the Court where the case is on file of an appropriate Order reflecting such appointment. The Attorney/Guardian Ad-Litem shall be entitled to only one fee as may be agreed to and/or ordered by the Court and upon completion of their work in any case shall promptly report the total amount of fees charged or collected for their services rendered in such case and the identity of person(s) paying said fees.

C. PERSONS QUALIFIED: No Visiting or Presiding Judge in such case nor any person appointed as Mediator in such case shall also serve as Attorney/Guardian Ad-Litem in said case. All persons appointed to serve as Attorneys/Guardians Ad-Litem shall be qualified to serve in such capacity under applicable law.

(Text added on 3/1/95)